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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,424	07/16/2003	Rudiger Kurtz	P23754	7328

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EXAMINER	
LAMB, BRENDA A	
ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
10/619,424	Kurtz et al
Examiner	**Group Art Unit**
LAMB	1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☑ Responsive to communication(s) filed on 7/28/2004, 10/15/2003 and 11/10/2003

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) 1-32 is/are pending in the application.

Of the above claim(s) 16-32 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☑ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☑ All ☐ Some* ☐ None of the:

☑ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10/15/2003

☐ Interview Summary, PTO-413

☑ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

Applicant's election with traverse of Group I in the reply filed on 8/27/2004 is acknowledged. The traversal is on the ground(s) that no burden. This is not found persuasive because the search for each group is different and the consideration of the art for each group is different.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 01/98585.

WO '585 as shown in figure 2 teaches a device for impregnating web with an impregnating agent comprising the following elements: a coating device structured and arranged to apply the impregnating agent to the web; and a wide nip calendar located, with respect to a web travel direction, before the coating device, the wide nip calendar comprising a circulating jacket and a back pressure element, a belt passing over a stationary shoe, arranged to form a wide nip calendar (see page 7 lines 11-18). With respect to claim 2, WO '585 apparatus is capable of applying an impregnating agent which is comprised of a starch solution or other coating agents commonly used in paper upgrading since WO '585 teaches every structural element of the claimed apparatus. With respect to claim 3, WO 585 apparatus is capable of applying an impregnating agent which is comprised of a starch size since WO '585 teaches every structural element of the claimed apparatus. With respect to claim 4, WO '585 apparatus is capable of applying an impregnating agent to a web which is comprises one of a paper or cardboard web since WO '585 teaches every structural element of the claimed apparatus. With respect to claim 5, WO '585 apparatus is capable of applying an impregnating agent to a web wherein the web has a basis weight over 40 g/m since WO '585 teaches every structural element of the claimed apparatus. With respect to claims 6-7, WO '585 is silent as to web processing devices provided between the wide nip

calender and the coating device thereby reading on the negatively claimed limitation that no other web processing devices are provided between the wide nip calender and the coating device. Further, WO '585 shows in Figure 1 at least one guide device is arranged between the wide nip and the coating device. With respect to claims 8-10, WO '585 teaches the wide nip calendar comprises a heating device, roll 1, which is a back pressure element having a surface structured to guide the web through the wide nip, and the surface having a temperature adjustable to within the scope of the claim. With respect to claim 11, WO '585 teaches the coater is a film press. With respect to claims 14, WO '585 teaches the wide nip calender is adjustably heated at least the plasticizing temperature of the web fibers of the web (see page 8 lines 1-7 of WO '585). With respect to claims 12 and 15, WO '585 teaches at page 9 lines 7-8 a drying area which broadly reads on area whereby the web is dried which is arranged after the coating device and a reeling device wherein the drying area and a reeling device are each arranged downstream of the coating device. Further, WO '585 fails to teach a glazing device arranged between the coating device and the reeling device thereby reading on the negative limitation of no glazing device arranged between the coating device and the reeling device. With respect to claim 13, WO '585 wide nip calender is capable of being heated to a temperature higher than the drying area or area whereby the web is dried since WO '585 teaches the wide nip calender includes a heating means for heating the wide nip calender.

Claims 1-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldini in view of Honkalampi et al.

Baldini teaches a device for impregnating web with an impregnating agent comprising, a coating device structured and arranged to apply the impregnating agent to the web; and a calendar located, with respect to a web travel direction, before the coating device. Baldini fails to teach a wide nip calendar located, with respect to a web travel direction, before the coating device, the wide nip calendar comprising a circulating jacket and a back pressure element arranged to form a wide nip. However, it would have been obvious to modify the Baldini apparatus by substituting is calendaring means with that of Honkalampi et al having a circulating jacket and a back pressure element arranged to form a wide nip for the taught advantage a wide nip calendar over that of conventional calendaring means such depicted by Baldini – good stiffness without suppressing the porous structure of the core of the fiber web. With respect to claim 2, Baldini apparatus is capable of applying an impregnating agent including a starch solution or other coating agents commonly used in paper upgrading since Baldini teaches every structural element of the claimed apparatus. With respect to claim 3, Baldini apparatus is capable of applying an impregnating agent including a starch size since Baldini teaches every structural element of the claimed apparatus. With respect to claim 4, Baldini apparatus is capable of applying an impregnating agent to a web which is comprised of one of a paper or cardboard web since Baldini teaches every structural element of the claimed apparatus. With respect to claim 5, Baldini apparatus is capable of applying an impregnating agent to a web wherein the web has a basis weight over 40 g/m since Baldini teaches every structural element of the claimed apparatus. With respect to claims 6-7, Baldini is silent as to a web processing devices

provided between the wide nip and the coating device thereby reading on the negatively claimed limitation that no other web processing devices are provided between the wide nip calender and the coating device. Further, Baldini shows in Figure 1 at least one guide device is arranged between the wide nip and the coating device. With respect to claims 8-10 and 14, Honkalampi et al teaches the wide nip calendar comprises a heating device, roll 22, which is a back pressure element having a surface structured to guide the web through the wide nip, and a temperature adjustable surface such that the temperature is within the scope of the claim which at least at plasticizing temperature of the web fibers (see Honkalampi et al column 6 line 59 to column 7 line 11 and column 1 lines 19-26). With respect to claims 12 and 15, Baldini teaches a drying area which broadly reads on area whereby moisture of the web can reduced such as the areas within the drying groups or dryers and area surrouding the entrance of the drying groups or dryers wherein the moisture content can be reduced dependent on ambient conditions surrounding the dryers. Baldini teaches an drying area located downstream of the coating device and a reeling device arranged downstream of the coating device (see Figure 2 of Baldini). Further, Baldini fails to teach a glazing device arranged between the coating device and the reeling device thereby reading on no glazing device arranged between the coating device and the reeling device. With respect to claim 13, it would have been obvious given modifications of the Baldini apparatus as discussed above that the Honkalampi et al wide nip calender is capable of being heated to a temperature higher than the drying area or area surrounding the dryer groups or dryers

since Honkalampi et al teaches the wide nip calender includes a heating means for heating the wide nip calender.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldini in view Honkalampi et al and Wurlz et al.

Baldini and Honkalampi et al are applied for the reasons noted above. Baldini fails to teach the coater is a film press. However, it would have been obvious to modify Baldini by substituting its coater with a film press such as shown by Wurlz et al especially since Baldini infers that other coating means may be used and Wurlz et al teaches his apparatus is used to treat paper webs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A. Lamb

BRENDA A. LAMB
PRIMARY EXAMINER

Lamb/LR
November 8, 2004